

**COMMENTS AND RESPONSE TABLE – New House on Erf 222, Buffalo Bay – OUTENIQUA SENSITIVE COASTAL AREA EXTENTION (OSCAE) APPLICATION**

NAME	ORGANISATION /ERF	COMMENT	RESPONSE	DATE RECEIVED	RESPONSE DATE
<b>Draft OSCAE APPLICATION</b> <b>Comment Period: 18 February to 19 March 2021</b>					
<b>STATE DEPARTMENTS / ORGANS OF STATE</b>					
<i>Reminder for comment sent via email on 15 March 2021</i>					
Megan Simons	CapeNature Landscape Conservation Intelligence	<p>CapeNature's our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application. CapeNature provided detailed input on the original application in 2017. Additional comments:</p> <p>Satellite imagery would confirm that overtime the vegetation has been transformed at the proposed site. Any <b>remaining vegetation</b> should be rehabilitated, where possible, and conserved. It is important to protect coastal biodiversity in order to maintain the coastal corridor movement. Thus, the development footprint should be within the disturbed areas and should not result in any further loss to biodiversity.</p> <p>The property has <b>listed indigenous protected tree species</b>. CapeNature acknowledges that the protected trees will not be cleared or harmed by the proposed activities. Prior to construction carefully mark the indigenous trees to ensure that they are not disturbed during the construction phase. Measures should be in place to protect these trees.</p> <p>The <b>topsoil</b> used in the rehabilitation phase should not be contaminated. We recommend that all topsoil stockpiles be less than 1.5m in height. During the construction areas susceptible to erosion must be protected by installing the necessary temporary structures. All stormwater runoff within the development area must be managed in a manner as to <b>minimise or prevent erosion</b>.</p> <p>The proposed development is within the medium (50 year) erosion risk zone. These zones are areas within the <b>flood risk zones of estuaries and littoral active zones</b>. Furthermore, the proposed development is within the <b>Coastal Management Line</b>. This zone dictated that <b>development should</b> either be prohibited or <b>controlled</b>. This is done in order to</p>	<p>CapeNature's comment of <b>no objection</b> is noted. The proposed house footprint &amp; associated access entrance &amp; driveway, are to be developed on the existing disturbed areas of the site. The following recommendations have been included in the Final OSCAE Application, to serve as conditions of the OSCAE Permit, should it be issued:</p> <ol style="list-style-type: none"> <li><b>Remaining vegetation</b> within the 2m coastal setback area, as well as adjacent to the access (incl. protected &amp; indigenous thicket species) must be suitably demarcated prior to construction to ensure protection. Plant species found within the development footprint (e.g. <i>Falcia</i>, <i>Gazania sp.</i> etc.) should be rescued and used as part of the <b>post-construction rehabilitation</b> of disturbed areas.</li> <li><b>Waste</b> that has been dumped on &amp; near the site must be removed by the Contractor prior to construction, to ensure that the topsoil to be stripped from the site &amp; stockpiled for rehabilitation use, is not contaminated.</li> <li><b>Topsoil stockpile/s</b> should be less than 1.5m in height to avoid erosion risks.</li> <li><b>Waste</b> generated during construction, as well as during occupation of the dwelling, should be managed via an integrated approach i.e. waste avoidance, reduction, re-use, recycling, recovery, treatment, and lastly safe disposal. Waste that cannot be re-used, must be disposed of a registered Municipal landfill.</li> <li>Both <b>temporary and permanent stormwater and erosion control measures</b> must be installed to manage run-off from site and stockpile areas during construction, in order to prevent erosion.</li> </ol>	18 Mar '21 Via email	18 Mar '21 Via email

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		<p>achieve the objectives as set in Section 25 of ICM Act, as amended, or coastal management objectives. Prior to construction, the <b>waste dumped</b> on or near the site must be removed. Removal of waste, generated during the activity, must be disposed at a registered disposal facility. Implement the <b>integrated waste management approach</b> that addresses waste avoidance, reduction, re-use, recycling, recovery, treatment, and safe disposal as a last resort. An <b>Environmental Control Officer (ECO)</b> should be appointed to oversee the process and should be present, if possible, during the construction and to identify any harmful activities. CapeNature does <b>not object</b> to the proposed application, as it would not have any significant impact on biodiversity.</p>	<p>6. It is noted that the property falls within the medium erosion-risk zone of the littoral active zone of the sea (50-year), as well as the Coastal Management Line, as specified by the Integrated Coastal Management Amendment Act &amp; the Coastal Management Setback Line for the Eden District. Development within this highly dynamic and sensitive area, must thus be controlled and well managed in terms of the Adhoc Development Setback Line Approval issued by DEA&amp;DP, to ensure minimal damage to the coastal environment. To this end the Municipality should ensure that appropriate <b>stormwater and erosion control measures</b> are included in the design of the house &amp; all hard surfaces. In addition, a suitably experienced &amp; qualified <b>ECO must be appointed</b> prior to the commencement of activities on-site to oversee the construction process and implementation of the necessary environmental risk mitigation measures.</p>		
<b>INTERESTED &amp; AFFECTED PARTIES (I&amp;APs)</b>					
<i>Reminder for comment sent via email on 15 March 2021</i>					

**COMMENTS AND RESPONSE TABLE – New House on Erf 222, Buffalo Bay – ADHOC DEVELOPMENT SETBACK LINE APPLICATION**

NAME	ORGANISATION /ERF	COMMENT	RESPONSE	DATE RECEIVED	RESPONSE DATE
<b>Draft ADHOC DEVELOPMENT SETBACK LINE APPLICATION</b> <b>Comment Period: 22 May to 21 June 2017</b>					
<b>STATE DEPARTMENTS / ORGANS OF STATE</b>					
Colin Fordham	CapeNature & Goukamma Nature Reserve	<p>Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application:</p> <p>The vegetation unit which would be affected by the proposed development is the <b>Vulnerable</b> Southern Cape Dune Fynbos (Poorly Protected), which is not listed as a threatened ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No.10 of 2004) (NEM:BA). There are no known drainage lines or National Freshwater Ecosystem Priority Areas (NFEPA) present on or near the Erf. The WCBSP (2017) does also not classify the site as having any CBA data on it.</p> <p>CapeNature would like to make the following comments/recommendations:</p> <ol style="list-style-type: none"> <li>The site is not classified as being rated highly in terms of its ecological importance, however all development along the coastline has to be conducted in a sensitive manner to maintain coastal processes. You are also reminded that Section 28 of NEMA (Duty of Care) states: <i>“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”</i> Any action that causes wilful degradation of the environment may therefore constitute a breach of this Duty of Care and the penal provisions of NEMA will apply.</li> <li>CapeNature would also like to remind the applicant in terms of the Alien and Invasive Species Regulations, NEM:BA, 2014, specific alien plant species (e.g. <i>Acacia cyclops</i>) are either prohibited or listed as requiring a permit; aside from restricted activities concerning, <i>inter alia</i>,</li> </ol>	<p>The following serves as response to your comments / recommendations:</p> <ol style="list-style-type: none"> <li>The General Principles of ‘Duty of Care to the Environment’ are applicable to this Application, due to the sensitive and dynamic nature of the coastal environment, and will be recommended in the Final Application for inclusion in the decision for implementation by the Applicant.</li> <li>No alien plant species are currently found on the property. However the Applicant will be informed that no listed alien species should be planted or allowed to establish on the property.</li> <li>No endangered or protected species currently occur on the property in question.</li> <li>It is the intention of the Applicant to re-instate the low-bollard fence along the disturbed area demarcated under the ‘Encroachment Agreement’ with the Municipality, in order to prevent unauthorised vehicular access and movement into this area (and for privacy and security reasons). The public access to the public braai area and coast line, located to the east of this disturbed area and Erf 222, will not be affected by the proposed formalisation of the access driveway to Erf 222 nor this bollard fence.</li> </ol>	22 Jun. 2017 Via email Ref: 14/2/6/1/6/4 _KNY/222_2 017/CF070	22 Jun.’17 Via email

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		<p>their spread, and should be removed; without the use of heavy machinery (as this could trigger activities listed i.t.o. the EIA Regulations of 2017).</p> <p>3. CapeNature would like to reiterate that all endangered species or protected species listed in Schedules 3 and 4 respectively, in terms of the Western Cape Nature Conservation Laws Amendment Act, 2000 (Act No. 3 of 2000) may not be picked or removed without the relevant permit, which must be obtained from CapeNature. This is also to ensure that rescued plant material is accounted for and used in the rehabilitation or relocation process.</p> <p>4. CapeNature recommends that the stated intention to rehabilitate seashore vegetation and reinstatement of the low bollard fence along the disturbed portion of land and access road to reduce trampling be made a condition of setback line approval. The low bollard fence should also limit the extent of parking lot along the seashore boundary.</p> <p>Provided the above listed comments and recommendation measures are implemented CapeNature <b>does not object</b> to the proposed setback line application. CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>			
Caren George	<b>DEA&amp;DP: Coastal Management Lines Task Team</b>	<p>Please note that leptieshaam Bekko and Saa-rah Adams are working on the Eden Coastal Management Line project. They will have the latest information in this regard, I have copied them to this email in order to address your query.</p>	<p>An Adhoc Development Setback Line for Erf 222 Buffalo Bay has been recommended along the 2m Building Line within the property boundary. Google images provided: Eden Coastal Management Lines and Erosion Risk Projection Lines, relative to Erf 222 Buffalo Bay. Please note that as this property is located on a rocky headland, the Eden Coastal Management Lines appear not to influence the property in question. Is it safe to assume that the proposed Adhoc Development Setback Line being applied for will thus also not be influenced by these Management Lines. Please confirm.</p>	21 Jun.2017 Via email	21 Jun.'17 Via email

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<b>Nina Viljoen</b>	<b>Eden District Municipality</b>	<p>The Eden District Municipality has <b>no objection</b> to the proposed development, provided that:</p> <ul style="list-style-type: none"> <li>• Consultation and alignment occurs with the DEA&amp;DP, Directorate Coastal Management with regards to their Determination of Coastal Management Line Project;</li> <li>• The proponent complies with the statutory requirements that may be applicable to the undertaking of the proposed activities.</li> </ul> <p>The Eden DM reserves the right to provide comment or to amend initial comments.</p>	<p>The need to align with the Eden Coastal Management Lines is noted. This office has downloaded the GIS and Google Earth data for the Eden Coastal Management Lines &amp; Risk Projections, as presented at recent Public Participation workshops held by DEA&amp;DP in the region. Having considered this data, it can be confirmed that due to the location of Erf 222 Buffalo Bay on a rocky headland, these management lines and risk projection lines appear to delineated along the High Water Mark (HWM) of this section of the coast. As the HWM (&amp; all the above-mentioned Coastal Management Lines) is delineated seaward of the property boundary, and the proposed Adhoc Development Setback Line is aligned along the 2m building line within the property boundary, the Coastal Managements Line are unlikely to influence to / apply to this Adhoc Development Setback Line. These details will be included in the <i>final</i> Adhoc Development Setback Line Application to be submitted to the DEA&amp;DP for consideration and decision-making.</p> <p>The proponent has undertaken to comply with the statutory requirements applicable to the development of the new dwelling on Erf 222 Buffalo Bay.</p>	<p>21 Jun.2017 Via email Ref: 18/3/4/4</p>	<p>22 Jun.'17 Via email</p>
<b>Ntombekhaya Nkoane</b>	<b>Knysna Municipality: Aesthetics Commitee</b>	<p>The following is an extract of the minutes of the Architectural Review Sub-Committee meeting held on the 28<sup>th</sup> October 2016: The Committee resolved to recommend to the Acting Building Control officer that:</p> <ul style="list-style-type: none"> <li>• Support of the revised Plans in principle to reduce the vertical garden;</li> <li>• To soften the building and use timber screens;</li> <li>• To see more timber and less planting.</li> </ul>		<p>21 Jun.2017 Via email Comment dated 17 Nov.2016 Ref: 587658</p>	<p>22 Jun.'17 Via email</p>
<b>Reminder for comment sent via email on 21 June 2017</b>					
<b>Nontsana Tonjeni</b>	<b>DEA: Oceans &amp; Coast</b>		<p>Fhumulani Angwenyi, previously registered as a key stakeholder for this project, informed me this morning that he was no longer dealing with coastal EIAs and that I should contact you in this</p>		<p>31 May '17 Via email</p>

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			regard. Please note that I have now registered you as the contact person for DEA: Oceans & Coasts, in order to provide comment on the application mentioned in the Notification attached to this email. A full CD copy of the Application, with associated appendices, was couriered for the attention of Fhumulani (to address: <i>2nd Floor, East Pier Building, East Pier Road, V &amp; A Waterfront, Cape Town, 8000</i> ). Please could you contact him and request this copy for your review. Alternatively, please let me know if I should forward you another copy.		
<b>INTERESTED &amp; AFFECTED PARTIES (I&amp;APs)</b>					
<b>Hugh Paver</b>	<b>Wynand Wilsenach Architects</b>	In order of us to accurately understand the scale of the proposed building, please provide the levels reflected on the floor plans, taken from mean sea level. Alternatively a section with the same levels indicated.	Elevation Plan for the proposed new house on Erf 222 Buffalo Bay provided for review.	23 May 2017 Via email	23 May '17 Via email
<b>Hugh Paver</b>	<b>Wynand Wilsenach Architects</b>	Please provide plans, elevations and sections of the mentioned departures so that we can accurately gauge the effect that the proposal will have on our client.	With reference to the notification sent to the landowner of Erf 224, Buffalo Bay and his request to liaise with you, please refer to the Cape EAPrac website: <a href="http://www.cape-eaprac.co.za">www.cape-eaprac.co.za</a> under 'active projects' 'Erf 222 Buffalo Bay' for the Draft Adhoc Development Setback Line Application Report, the Municipal Approval of the Relaxation/Departures, as well as all the site plans etc.	22 May 2017 Via email	22 May '17 Via email
<b>Johan van der Merwe</b>	<b>Landowner: Erf 224, Buffalo Bay</b>	Please liaise with Hugh Paver, our architect, so that he can advise us regarding the potential impact this application will have on our property.	Noted. Mr. Paver has been registered as an I&AP.	22 May 2017 Via email	22 May '17 Via email